

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 04 KATHMANDU 000230

SIPDIS

DEPT FOR SA/INS AND PRM/ANE, LONDON FOR POL/GURNEY,
NSC FOR MILLARD, GENEVA FOR PLYNCH

E.O. 12958: DECL: 02/02/2013

TAGS: [PREF](#) [PREL](#) [PGOV](#) [BH](#) [NP](#)

SUBJECT: BHUTANESE REFUGEES: REPATRIATION INDEFINITELY
DELAYED, BUT REFUGEES STILL WANT TO RETURN HOME

REF: A. (A) 03 KATHMANDU 2501

[B](#). (B) NEW DELHI 584

Classified By: DCM Robert K. Boggs for reasons 1.5 (b,d).

[1](#). (C) Summary. From January 19-22, PRM/ANE Melissa Pitotti and PolOff met with various Government of Nepal (GON) and UNHCR officials and visited two of the seven Bhutanese refugee camps to discuss the status of negotiations between Nepal and Bhutan to find a durable solution for the refugees.

The repatriation of Bhutanese refugees from Khudunabari Camp, originally scheduled for November 2003 and then for February 2004, has been delayed indefinitely due to the December 22 incident in Khudunabari Camp (reported ref A). Discussions between the Government of Nepal (GON) and Royal Government of Bhutan (RGOB) may resume on the margins of the BIMSTEC conference in Thailand, but GON officials are not optimistic that repatriation will begin in the near future. Feelings in Nepal among GON officials, UNHCR and the refugees are that the RGOB is intentionally discouraging large numbers of refugees from voluntarily returning to Bhutan. The primary obstacle to repatriation now appears to be a deep-seated mistrust between the RGOB and the refugees. The refugees need an avenue not only to communicate their concerns to the RGOB and GON, but also to feel that certain demands are being accommodated. International assistance in opening channels of communication between the two sides might go far to resolve the current impasse. End Summary.

Reports on the December 22 Incident

[2](#). (C) Accounts from the GON, UNHCR and refugees regarding the December 22 incident between the Bhutanese Joint Verification Team (JVT) and Khudunabari Camp residents differed greatly from accounts provided by the Royal Government of Bhutan (RGOB) in press releases and during Ref B meetings. All of the Nepal-based accounts agreed on the following:

-- Neither the GON, UNHCR, nor the refugees were informed of the substance of the Bhutanese JVT's presentation prior to December 22.

-- The Bhutanese JVT briefed the refugees on conditions for repatriation in much greater detail than what was contained in the Terms and Conditions publicized in July 2003. These details were not presented to the GON prior to the December presentation.

-- Conditions outlined by the Bhutanese JVT included that Category I returnees, or those "forcibly evicted" who had sold their land would not receive any land or compensation; Category II returnees would be treated "like foreigners," forced to reside in "detention" camps, not be permitted freedom of movement, and only one family member would be allowed to work as "a road laborer;" none of the appeals submitted by Category III refugees would be overturned; and Category IV returnees would be taken immediately into police custody upon return to Bhutan while their families must reside in separate camps.

-- The Bhutanese JVT spoke "good" Nepali during the briefing. (According to GON officials, the RGOB spoke Nepali during the verification interviews and in bilateral negotiations.) However, on December 22, the Bhutanese JVT used the diminutive/lower status ("timi") form to address the refugees, used other harsh language, and was intentionally provocative.

-- The briefing seemed intended to discourage refugees from voluntarily returning to Bhutan.

-- The refugees' angry reaction to the Bhutanese JVT's presentation was spontaneous. Neither the GON, UNHCR nor the refugees were aware that the Bhutanese JVT would brief the refugees on repatriation conditions until the night before the briefing.

-- Reports from inside the meeting hall suggested that no violence occurred inside the hall, although a large number of

refugees, mostly youths, pelted stones at the Bhutanese and tried to hit them with bamboo sticks while they attempted to leave the camp. The Nepali JVT members present at the briefing did not feel threatened and regarded the violence and injury to the Bhutanese JVT members as unfortunate, but minor.

-- It remains unclear who arranged the logistics for the briefing at Khudunabari Camp: UNHCR assumed it was the GON's Refugee Coordination Unit (RCU), but RCU officials suggested it was the Bhutanese JVT.

Government Officials:
Bilateral Process Is the Only Way Forward

13. (C) In a January 19 meeting, Secretary Madhu Raman Acharya noted that, despite the December 22 incident, the RGOB has expressed interest in "getting the process back on track." He hoped that meetings between the two governments on the sidelines of BIMSTEC in Thailand would help to move the process in the right direction. Acharya indicated that the GON had proposed sending mid-level officials to Thimpu to resolve any misunderstandings over the December incident, but had received no response from the RGOB.

14. (C) Acharya emphasized that, according to the GON-RGOB agreement, the GON has no role or responsibility in determining repatriation conditions or communicating them to the refugees. He was disappointed that the December briefing "did not meet expectations" and went "well beyond" the terms and conditions outlined in July 2003. "Our sense of euphoria is gone," Acharya said. He suggested that perhaps the RGOB intentionally sought to discourage repatriation after realizing that large numbers of refugees intended to return to Bhutan. According to Acharya, the GON repeatedly has encouraged the RGOB to involve the refugees and/or the international community in the bilateral process, but to no avail. Although the RGOB has said it remains committed to repatriation, he said, the resumption of the bilateral process will depend upon the RGOB revising the conditions of return, particularly regarding access to property.

15. (C) Both Joint Secretary Sushil Rana, Head of the Nepali JVT, and Basanta Bhattarai, Deputy Head of the Nepali JVT, in separate meetings on January 20 and 23 indicated that the Bhutanese had designed their briefing to provoke a negative reaction. Rana was discouraged by the many deadlocks and delays in the bilateral process. Like the other GON officials, he opined that the RGOB appeared unwilling to repatriate large numbers of refugees. Rana explained that the GON's only role would be to ensure a voluntary repatriation. The process is now in the hands of the RGOB and the refugees, he said. But he believed both sides could benefit from confidence-building measures.

16. (C) On verification, Rana noted that the RGOB had responded negatively to the GON proposal that both governments appoint a second JVT in order to complete verification of the six remaining camps within two years. Rana was uncomfortable with UNHCR's decision to phase-down assistance in the camps and worried that this would harm the repatriation process. He emphasized the continued need to include a reliable third party in the process and to clarify conditions of repatriation, which he believed would "not be easy." Rana was extremely reluctant to discuss local integration of refugees in Nepal, saying that repatriation must precede plans for local integration.

UNHCR: Focused on Phased Withdrawal from the Camps

17. (SBU) Reporting on security in the refugee camps, UNHCR Sub-Office Head Milagros Leynes denied that there is any connection between Nepal's Maoists and the refugees. However, another UNHCR officer indicated that the Bhutanese Communist Party (BCP) has launched recruitment efforts in all seven camps, distributing leaflets and posters, mostly targeting youths who are dissatisfied with camp life and have little hope for the future. One refugee leader later estimated that perhaps as many as 2,000 students in the camps support the BCP cause.

18. (SBU) Because UNHCR is not involved in the verification or repatriation process, it has focused its efforts on how gradually to reduce care and maintenance in the camps. Certain food products, such as turmeric and chiles, have been cut already from the program because of their lack of nutritional value, Leynes said. UNHCR has two teams on the ground in Jhapa District in Eastern Nepal to plan a socio-economic survey, which will assess the refugees' levels of self-reliance, and a re-registration exercise, including a head-count and family profiling. Through the re-registration exercise, UNHCR will assess vulnerable refugees who might best be served through third-country resettlement. (Note: In

a later meeting, UNHCR Protection Officer Giulia Ricciarelli estimated that the head count and basic biodata could be gathered by end-March, but that proper protection profiling through individual interviews would not be complete until the end of CY 2004. End Note.) Leynes commented, and members of the UNHCR team from Geneva agreed separately, that few refugees have shown specific interest in resettlement abroad and most still wish to return to Bhutan.

Refugees: Want to Return, But Not At Any Price

19. (C) On January 21, Pitotti and PolOff met with refugee leaders S.B. Subba and Hari Adhikari. Besides discussing the December 22 incident in Khudunabari Camp, they outlined the six core refugee demands: 1) repatriation to their own homes with safety and dignity; 2) involvement of the international community; 3) assistance from the Indian government; 4) respect for their human rights by the RGOB; 5) restoration of citizenship; and 6) safety, security and social welfare of the returnees. They both felt that the RGOB should adopt a "softer stance" than was portrayed by the Bhutanese JVT in December and that a compromise solution could be found. The refugee leaders preferred the Government of India (GOI) as a third-party facilitator, but recognized that, in the aftermath of the RGOB's crack-down on Indian insurgents in Southern Bhutan, GOI's involvement was unlikely. Subba and Adhikari also looked to the USG to press Bhutan to soften its position and to the UN Human Rights Commission or Amnesty International to act as third-party monitor. In their view, ICRC would not be an impartial or effective third party because that organization has been active in Bhutan since 1993 and is required to maintain confidentiality with host governments.

10. (SBU) Refugees in both Khudunabari and Sanischere camps expressed the view that the verification and repatriation process has been designed in such a way to prevent the return of refugees to Bhutan. They continue to reject the categorization of refugees into four categories, arguing that only two categories should exist: Bhutanese and non-Bhutanese. Many refugees were also concerned about their safety and security upon return to Bhutan. On one hand, the refugees generally mistrusted the RGOB's intentions, but, on the other hand, felt a sense of nationalism and love for their homeland. Of utmost importance to the refugees was involvement of a third-party. They felt strongly that a meeting between the RGOB and refugee groups could go far to further repatriation efforts.

Comment: The Way Forward

11. (C) The December 22 incident in Khundunabari Camp has exacerbated already existing tensions and mistrust between the RGOB and GON on one hand, and the RGOB and the refugees on the other. The refugees clearly have grievances they have not been able to express through the bilateral process until this unfortunate confrontation. Under the conditions described by the Bhutanese JVT, it appears that few if any refugees will decide to return voluntarily. The refugees need an avenue not only to communicate their concerns to the RGOB and GON, but also to feel that certain demands are being accommodated. Detailed, written information on the terms and conditions for both repatriation and local integration should be provided to the refugees at the earliest opportunity. Third-party involvement may be essential to assist in opening channels of communication between the refugees and the RGOB. End Comment.
MALINOWSKI